

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

IN RE:

PARRIS J. BRYANT,
Debtor.

CHAPTER 13
CASE NO.: 12-20343-PRW
NOTICE OF MOTION
OBJECTING TO CLAIM

PLEASE TAKE NOTICE that the Chapter 13 Trustee, George M. Reiber, will move this Court for an Order pursuant to Bankruptcy Rule 3002(c) objecting to the claim of CitiMortgage, Inc. (claim #1, court claim #8). Said motion will be heard before the Honorable Paul R. Warren, U.S. Bankruptcy Judge, at United States Bankruptcy Court, 100 State Street, Rochester, New York, 14614, on July 24, 2014, at 11:30 a.m., requesting an order that disallows the proof of claim filed by CitiMortgage, Inc. with arrearage in the amount of \$27,724.08 as late.

“ PURSUANT TO FRBP 9014 AND THE STANDING ORDERS IMPLEMENTING DEFAULT PROCEDURES IN ROCHESTER AND WATKINS GLEN: IF YOU INTEND TO OPPOSE THE MOTION: AT A MINIMUM YOU MUST SERVE: (1) THE MOVANT AND MOVANT’S COUNSEL, AND (2) IF NOT THE MOVING PARTY (A) THE DEBTORS AND DEBTOR’S COUNSEL; (B) IN A CHAPTER 11 CASE, THE CREDITORS’ COMMITTEE AND ITS ATTORNEY, OR IF THERE IS NO COMMITTEE, THE 20 LARGEST CREDITORS; AND (C) ANY TRUSTEE. IN ADDITION, YOU MUST FILE WITH THE CLERK OF THE BANKRUPTCY COURT WRITTEN OPPOSITION TO THE MOTION NO LATER THAN THREE (3) BUSINESS DAYS PRIOR TO THE RETURN DATE OF THIS MOTION NOT WITHSTANDING THE DECEMBER 1, 2009 AMENDMENTS TO FRBP 9006(a). IN THE EVENT NO WRITTEN OBJECTION IS SERVED AND FILED, NO HEARING ON THE MOTION WILL BE HELD ON THE RETURN DATE AND THE COURT WILL CONSIDER THE MOTION AS UNOPPOSED.”

Dated: June 17, 2014
Rochester, New York

/s/ _____
George M. Reiber
Chapter 13 Trustee

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK**

IN RE:

PARRIS J. BRYANT,

Debtor.

**CHAPTER 13
CASE NO.:12-20343-PRW**

ALLEGATIONS IN SUPPORT OF MOTION OBJECTING TO CLAIM

George M. Reiber, Chapter 13 Trustee in the above-entitled matter, objects to the claim of CitiMortgage, Inc., and provides grounds for overcoming any presumption under Rule 3001 (f) by stating as follows:

1. The debtor filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on March 5, 2012.
2. The Chapter 13 plan was filed on March 5, 2012, and proposed to pay, as a secured claim, mortgage arrears owed to CitiMortgage, Inc. in the amount of \$10,649.00, by receiving equal monthly payments.
3. Proof of Claim by CitiMortgage, Inc. was not filed by the bar date of July 2, 2012.
4. Chapter 13 Trustee filed a motion to value the secured arrearage claim of CitiMortgage, Inc. in real property located at 118 Scottsville Road, Rochester, New York in the amount of \$10,649.00 without interest because no proof of claim was filed with the Court on July 24, 2012.
5. An Order granting the Trustee's motion to value the secured arrearage claim of CitiMortgage, Inc. in real property located at 118 Scottsville Road, Rochester, New York in the amount of \$10,649.00 without interest because no proof of claim was filed with the Court was signed on September 1, 2012.
6. An Order confirming the Chapter 13 Plan was signed on June 13, 2013.
7. CitiMortgage, Inc. filed a proof of claim with arrearage in the amount of \$27,724.08 on June 19, 2013.
8. Said proof of claim is filed late in violation of Bankruptcy Rule 3002(c).
9. Said proof of claim is also filed late in violation of the notice of appeal requirements of Bankruptcy Rule 8002.

WHEREFORE, the Trustee asks the Court for an order that disallows the proof of claim filed by CitiMortgage, Inc. with arrearage in the amount of \$27,724.08 as late; together with such other and further relief as the Court deems just and proper.

Dated: June 17, 2014
Rochester, New York

/s/ _____
George M. Reiber
Chapter 13 Trustee

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK**

IN RE:

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ORDER

Upon Trustee's motion objecting to the claim of CitiMortgage, Inc. (claim #1, court claim #8), and the matter having duly come before this Court on July 24, 2014, at 11:30 a.m., after notice to all parties in interest, and no party appearing in opposition thereto, and the Court having considered the Trustee's motion, it is

ORDERED, ADJUDGED AND DECREED that:

The proof of claim filed by CitiMortgage, Inc. with arrearage in the amount of \$27,724.08 is late.

Dated: _____

Honorable Paul R. Warren
U.S. Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK**

IN RE:

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Debtor.

**CHAPTER 13
CASE NO.:12-20343-PRW**

CERTIFICATE OF SERVICE

Certificate of Service by Mail by RLB /s/. Copies of the Objection to Claim were personally mailed by me on June 17, 2014 to:

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